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OFFICE OF PETITIONS

In re Application of
Youngseok Lee et al.
Application No. 10/092,103
Filed: March 6, 2002
Attorney Docket No.: 5895P003

ON PETITION

This is a decision on the petition filed October 24, 2006. The petition is titled "Petition And Response to Notice of Abandonment" but will be treated under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

The application was held abandoned on September 7, 2006, for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed on June 6, 2006. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on October 9, 2006.

Petitioner asserts that the issue fee transmittal and a check in the amount of \$1,030.00 was mailed on August 18, 2006.

In support, petitioner has submitted, *inter alia*, a copy of the issue fee transmittal form with the certificate of mail dated August 18, 2006 and a copy of the check purportedly mailed August 18, 2006.

A search of the application file and the USPTO records does not reveal receipt of the issue fee transmittal but, the petition complies with the requirements set forth in 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment mailed on October 9, 2006, is hereby withdrawn. No petition fee is necessary and none has been charged. However, since petitioner has not presented any evidence that the issue fee, publication fee and fee for 10 advance copies was applied, and since petitioner has not submitted additional funds to cover those items, as authorized on the issue fee transmittal, petitioner's deposit account no. 02-2666 has been charged in the amount of \$1,030.00.

This matter will be referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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